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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,410	12/19/2001	Peter J. Schrenkel	89.0493	4877

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EXAMINER

FRANK, RODNEY T

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,410	Applicant(s) SCHRENKEL ET AL.	
	Examiner Rodney T. Frank	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 26-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08 December 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-25 in Paper dated 20 January 2004 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 6-9, 11, 12, 14, 15, 18, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Siegfried, II et al. (U.S. Patent Number 4,928,759; hereinafter referred to as Siegfried). Siegfried discloses a fluid flow measuring or so-called production logging instrument for fluids produced in a well includes an inflatable packer for forming a seal in the wellbore to require diversion of wellbore fluid through a passage formed in the instrument whereby fluid flow rate and other fluid properties may be measured. The inflatable packer receives pressure fluid from the tubing string and may be remotely controlled to inflate and deflate, at will, through signals conducted from the surface to the instrument by way of a cable extending through the tubing string. The instrument includes a main wellbore fluid flow passage in which a shutoff valve is disposed for controlling the flow of fluid through the passage and which may be automatically closed or opened in response to actuation of the packer seal (please see the abstract).
4. In reference to claim 1, Siegfried discloses and shows with reference to figures 1 and 2 a production profile determination and modification system comprising a logging system having a logging tool (24) a downhole unit operable to house the logging tool and to selectively secure a

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retrievable fluid barrier (packer 38 has the retrievable fluid barrier) within the wellbore casing (wellbore casing 14) a deployment system (26) operable to deploy the downhole unit in the wellbore casing.

In reference to claim 2, the fluid barrier (sealing member 40) is shown clearly in figure s 1 and 2 whereas in figure 2 it is shown in a sealing state (see column 3 lines 41-43).

In reference to claim 4, the logging system is operable to identify various wellbore fluids.

In reference to claim 5, column 4 lines 59-63 disclose that the measuring section (46) of the device uses various measurement devices, such as a densimeter, which could be used to measure relative percentages of oil, water, and gas in a wellbore fluid at a downhole location.

In reference to claim 6, column 1 lines 26-29 disclose that a turbine or spinner type flowmeter is used.

In reference to claim 7, a data acquisition system is disclosed and shown in figure 1 as item 32.

In reference to claim 8, a wireline (cable 30 encased in tube 22) is used to transmit data from the logging tool to the data acquisition system.

In reference to claim 9, the tool is raised and lowered by the same wireline as described in claim 8.

In reference to claim 11, the deployment system comprising a coupling member (coilable metal tubing 22) secured to the downhole unit and to a surface structure.

In reference to claim 12, the coupling member comprises a wireline.

In reference to claim 14, a downhole system for facilitating measurement of fluid parameters in a wellbore comprising a downhole tool comprising a first portion to house a well

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logging tool (tail sub 47 and) a second portion operable to selectively secure a retrievable fluid barrier to a wellbore casing (packer 38).

In reference to claim 15, the downhole tool is adapted to enable the well logging tool to be positioned relative to the first portion.

In reference to claim 18, the logging tool is also raised and lowered relative to the downhole tool via a wireline.

In reference to claim 20, a well logging tool is disclosed.

In reference to claim 21, the well logging tool is operable to identify various wellbore fluids.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 10, 13, 16, 17, 19, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegfried, II et al.

7. In reference to claim 3, the retrievable fluid barrier in the reference is disclosed to be a packer, which is considered to be a functional equivalent to the retrievable bridge plug.

In reference to claims 10 and 17, the device does not disclose an artificial lift to induce fluid flow. However, the use of shut off valves are used and are considered equivalent structures whereby there is no improvement nor unexpected result given by the artificial lift as claimed.

In reference to claim 13, though the logging tool is not disclosed to be lowered from the downhole unit to recorded data, the logging tool is exposed to the fluid none the less and there is

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no advantage nor unexpected result from lowering the logging tool and this is viewed as a mere design choice of the present invention.

In reference to claim 16, the second portion is adapted to enable a portion of the measurement device to be disposed through said portion as shown in figure 2.

In reference to claim 19, though no side door is disclosed for access to the wireline, this is seen as a design choice as it gives no improvement nor unexpected result over the cited prior art.

In reference to claim 22, column 4 lines 59-63 disclose that the measuring section (46) of the device uses various measurement devices, such as a densimeter, which could be used to measure relative percentages of oil, water, and gas in a wellbore fluid at a downhole location.

In reference to claim 23, since a flow meter is disclosed, then fluid velocity can be measured.

In reference to claims 24 and 25, though these specific limitations are not disclosed, these are seen as design choices that are well within the preview of one of ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney T. Frank whose telephone number is (571) 272-2193. The examiner can normally be reached on M-F 9am -5:30p.m..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RTF

April 14, 2004



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
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